IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 30432 of 2007(W)

OS.1/2006 OF IST ADDL. DISTRICT COURT, KOLLAM.

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PETITIONERS:

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1. **G. VIJAYANATHA KURUP, S/O. VASU PILLAI, THOTTATHIL VEEDU (FROM AYIKARAVALLIL), PAIKUZHY, OACHIRA P.O., KOLLAM.**

2. **DAMODHARAN UNNITHAN, MALAYIN MANDATHINAL THEKKETHIL, ULAVAKAD MURI, NOORANADU P.O., MAVELIKKARA.**

3. **R. SUSEELAN, S/O. RAGHAVAN, ASSANTTAYYATHU, MADATHIKARAZHMA P.O., OACHIRA.**

BY ADV. SRI.K.P.SREEKUMAR.

RESPONDENTS:

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1. **OACHIRA PARABRAHMA TEMPLE, REPRESENTED BY ITS SECRETARY, OACHIRA P.O., OACHIRA.**

2. **K. BHARGAVAN, SECRETARY, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI, RESIDING AT MUTTATHU, PRAYAR SOUTH, ALUMPEEDIKA.**

3. **ARAMBIL SUKUMARAN UNNITHAN, PRESIDENT, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI, RESIDING AT MANGALATHU, VALLIKUNNAM.**

W.P.(C). NO.30432/2007:

4. **O. KRISHNA PILLAI,**
   VICE PRESIDENT, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI, RESIDING AT KARIMUTTATHU, KATTACHIRA.

5. **V. SUNIL KUMAR,**
   TREASURER, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI,RESIDING AT EDATHURUTHEL, ALAPPAD.

6. **R. BHASKARA KURUP,**
   EXECUTIVE COMMITTEE MEMBER, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI, RESIDING AT PANAMPILAVIL, THEKKU KOCHUMURI.

7. **RAMACHANDRAN PILLAI,**
   EXECUTIVE COMMITTEE MEMBER, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI, RESIDING AT MAVOLIL, VARAVILA.

8. **V. SADASIVAN,**
   EXECUTIVE COMMITTEE MEMBER, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI, RESIDING AT KIDASSERIL PUTHEN VEEDU, PRAYAR NORTH.

9. **S. MADHAVAN PILLAI,**
   EXECUTIVE COMMITTEE MEMBER, OACHIRA PARABRAHMA KSHETHRA BHARANA SAMITHI, RESIDING AT MENEZHATHU, VAYANAKOM, OACHIRA.

10. **DR. SIVARAMAKRISHNA PILLAI,**
    MANAGING DIRECTOR, OACHIRA PARABRAHMA SPECIALITY HOSPITAL & RESEARCH CENTRE, OACHIRA.

11. **OACHIRA PARABRAHMA SPECIALITY HOSPITAL & RESEARCH CENTRE, OACHIRA, REPRESENTED BY ITS CHAIRMAN.**

12. **N.R. RAJENDRAN,**
    NADASSERIL HOUSE, THEKKU KOCHUMURI, OACHIRA.

13. **S. JAYAPRAKASH,**
    KALARIKKAL, KADATHOOR, K.S. PURAM.

14. **C. HARISANKAR,**
    PADANILATHU, THEKKU KOCHUMURI, OACHIRA.

15. **PUSHPADASAN,**
    CHAITHANYA, CHERAVALLY, KAYAMKULAM.

16. ASHOK KUMAR,
CHATHAYAM, KADATHIKARAZHMA.

17. BIMAL DANI,
MALAKKADATHU HOUSE, SRAYIKKAD, AZHEEKKAL.

18. S. SASIDHARAN PILLAI,
KANNADIYIL, MEMANA, OACHIRA.

19. V. VIJAYAN PILLAI,
KANICHERIL HOUSE, PERUMANTHAZHA, VARAVILA.

20. N.C. SURESH,
'LAKSHMI', THOPPIL HOUSE, SRAYIKKAD, AZHEEKKAL.

BY ADV. SRI.N.D.PREMACHANDRAN,
SRI.D.AJITHKUMAR,
SRI.K.RAMACHANDRAN,
SMT.A.R.DIVYA,
SRI.P.N.RAVINDRAN,
SMT.PREETHY KARUNAKARAN,
SMT.M.M.DEEPA,
SRI.JAYKAR.K.S.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.30432/2007-W:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PLAINT IN O.S. NO. 1/2006 ON THE FILE OF THE 1ST ADDITIONAL DISTRICT COURT, KOLLAM.

EXT.P.2: COPY OF THE I.A. NO. 1377/2007 DTD. 14/09/2007 IN O.S. 1/2006 FILED BEFORE THE 1ST ADDL. DISTRICT JUDGE, KOLLAM.

EXT.P.3: COPY OF THE I.A. NO. 1328/2007 DTD. 04/09/2007 IN O.S. 1/2006 FILED BEFORE THE 1ST ADDL. DISTRICT JUDGE, KOLLAM.

EXT.P.4: COPY OF THE COUNTER FILED BY RESPONDENTS 1 TO 5 HEREIN TO I.A. NO. 1377/2007 IN .S. 1/2006 ON THE FILE OF 1ST ADDL. DISTRICT JUDGE, KOLLAM.

EXT.P.5: COPY OF THE ORDER DTD. 01/10/2007 PASSED BY THE 1ST ADDL. DISTRICT JUDGE, KOLLAM IN I.A. NO. 1377/2007 IN O.S. 1/2006.

EXT.P.6: COPY OF THE JUDGEMENT DTD. 03/12/1987 PASSED BY THIS HONOURABLE COURT IN C.M.A. NO. 137/1985.

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE ORDER DTD. 02/12/2006.

EXT.R2.B: COPY OF THE JUDGMENT DTD. 18/01/07 IN W.P.C. NO. 2049/2007.

EXT.R2.C: COPY OF THE ORDER DTD. 06/02/07 ON I.A. NO. 1371/2006.

EXT.R2.D: COPY OF THE JUDGMENT DTD. 10/04/07 IN W.P.C. NO. 6407/2007.

EXT.R2.E: COPY OF THE NOTIFICATION DTD. 25/10/2006.

EXT.R2.F: COPY OF THE BALANCESHEET DTD. 22/07/07.

EXT.R2.G: COPY OF THE ORDER DTD. 16/11/06.

//TRUE COPY//

prv.

M.N.KRISHNAN, J

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W.P.(C) No. 30432 OF 2007

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Dated this the 19th day of October 2007

JUDGMENT

This writ petition is filed for a direction to the I Addl.District Court, Kollam to appoint an officer of the court to supervise the Oachira Parabrahma Kshetra Bharana Samithy in connection with the preparation, arrangements, sale of stalls at Padanilam and other activities relating to the ensuing Vrishchikotsavam commencing from 17.11.1007.

2. Heard the counsel for the petitioners, the plaintiff and defendants 1, 2 and 4. After heated arguments, this court suggested various means as an interim measure so that unnecessary hardship can be averted to all and function can be performed smoothly and religiously in the way which is expected to be celebrated. The counsel for both sides co-operated and agreed for the suggestion that Sri.N.Sadanandan, who is appointed as a Chief Returning Officer, a former District Judge be requested to supervise the conduct of the auction to be conducted and if any deficiency or anomaly is pointed out, he may take a decision and settle it and therefore the stalls can be auctioned and the auction result can be finalised and the

successful bidder or tenderer be able to put the stall sufficiently well in advance so as to avoid difficulties to the public, who visit the place. I earnestly and sincerely hope that all concerned will co-operate at least in the name of God to have a smooth conduct of the festival and avoid unnecessary embarrassment to the administration as well as to the system.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-